



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Ben F. Johnson

**Departmental Standards Directive**

**TITLE: MOTOR VEHICLE APPREHENSION**

**CODIFIED: 41.2**

**EFFECTIVE: 06-2009**

**RESCINDS/AMENDS: 41.2/02-2007**

**ATTACHMENTS: 1**

**PURPOSE**

The purpose of this Directive is to provide guidelines and delineate responsibilities governing pursuit of motor vehicles.

**DISCUSSION**

The immediate apprehension of a violator is never more important than the safety of innocent motorists or the Deputy. When it becomes apparent that the immediacy of apprehension is outweighed by a clear and present danger to the Deputy or others, the pursuit shall be abandoned.

The motor vehicle pursuit of suspects who have committed minor property crimes, traffic offenses or misdemeanors is not justifiable. The risks involved far outweigh the need for immediate apprehension. If, however, a suspect used force and/or violence when committing the offense, i.e., robbery, a pursuit may be justified.

For purposes of this Directive, "burglary" is defined as residential, business or commercial and does not include vehicles, outbuildings or curtilages. If there is reason to believe the suspect might kill or injure someone if allowed to escape, then a pursuit may be justified depending on the circumstances involved. If an armed robbery has occurred as the result of a dispute between two individuals who know each other there should be no pursuit, since there is little danger to other citizens. However, an armed robbery to an individual, business or residence presents a clear and present danger; therefore, a pursuit may be justified.

The decision to pursue is not irreversible. Those involved with the pursuit must continually question whether the seriousness of the crime justifies continuing the pursuit. When there is a clear and present danger to the Deputy or others, the pursuit shall be discontinued.

**POLICY**

It is not the intent of this Directive to prohibit all motor vehicle pursuits; however, it is the intent to restrict motor vehicle pursuits to those situations and circumstances in which the immediate apprehension of the violator outweighs the hazards generated to Deputies, the public, or the occupant(s) of the vehicle being pursued.

In those situations resulting in the initiation of a motor vehicle pursuit, it shall be incumbent upon all involved personnel to exercise prudent independent judgment. These procedures will not relieve deputies from their duty to drive with due care and will not protect them from the consequences of careless disregard for the safety of others.

**PROCEDURE**

## **PURSUIT CRITERIA**

**41.2.1** A Deputy is justified in initiating a motor vehicle pursuit if the Deputy has reason to believe that the suspect has committed a serious felony involving an act of violence or the threat of serious injury or death, and has the apparent capability to carry out said act, i.e., robbery/attempted robbery, aggravated battery, firing into an occupied dwelling, murder, attempted murder, sexual battery, burglary of an occupied dwelling/structure, (excluding curtilage and outbuildings), or arson of an occupied structure.

**41.2.2** An aggravated assault on a Deputy by a fleeing suspect, in which a vehicle is used as the weapon, and there is no injury or property damage shall not in itself be considered criteria for initiating a pursuit.

**41.2.3** The criminal offense of drug trafficking as defined in F.S. 893.135 is considered a serious felony for which a pursuit may be initiated due to its potentially violent nature and consequences.

## **PROHIBITED PURSUITS**

**41.2.4** Deputies shall not pursue or assist in the pursuit of vehicles fleeing from other agencies, unless the above criteria is met and is authorized by a supervisor.

**41.2.5** Excluding the areas listed in 41.2.1 thru 41.2.3 above, Deputies shall not pursue or assist in the pursuit of motor vehicles for property crime offenses or misdemeanor offenses.

**41.2.6** Deputies shall not pursue or assist in the pursuit of motor vehicles if the suspect is identified and there is an expectation of apprehending the suspect within a reasonable amount of time.

## **TRAFFIC OFFENSES**

**41.2.7** Deputies shall not pursue or assist in the pursuit of motor vehicles for traffic offenses.

**41.2.8** The period of time between observing a traffic violation and when the violator comes to a stop is the "apprehension phase" of the traffic stop. This is different from a pursuit. Although these two activities are worlds apart in importance, the speed and type of driving performed by the Deputy are often similar. It is critical, therefore, that a reasonable limit on speed is maintained as traffic violators are stopped.

**41.2.9** The "apprehension phase" of an attempted traffic stop becomes a pursuit whenever the violator knows that a Deputy is signaling him to stop and continues driving or attempts to elude the Deputy. If the violator has knowledge that they are being signaled to stop and speeds up or does anything else to evade the Deputy, it then becomes a pursuit. When the traffic stop becomes a pursuit it shall be discontinued following the procedures of this Directive.

## **RESPONSIBILITIES**

### **DEPUTIES**

**41.2.10** Deputies initiating a pursuit shall immediately advise communications of:

- The location
- Direction of travel
- Suspect and suspect vehicle description;
- The crime the suspect is believed to have committed.

**41.2.11** When engaged in the emergency operation of a motor vehicle, Deputies shall comply with all Directives concerning vehicle operation.

**41.2.12** Deputies authorized by a supervisor to conduct a motor vehicle pursuit shall provide the supervisor with all information requested.

**41.2.13** All Deputies involved will immediately terminate and disengage from a motor vehicle pursuit when they determine the pursuit is not within the guidelines of this policy or circumstances, as described in 41.2.24-.27, determine that course of action or when ordered to do so by the supervisor in charge.

### **COMMUNICATIONS CENTER**

**41.2.14** Upon notification of a pursuit in progress, the Communications Center shall initiate proper procedures in accordance with appropriate "Call Handling Guides", and will immediately notify the appropriate Shift Supervisor, Air-1, and K-9.

**41.2.15** Communications shall monitor the pursuit and provide communications assistance to those involved.

#### **SUPERVISOR**

**41.2.16** The supervisor will take command of the pursuit and shall maintain command unless formally relieved.

**41.2.17** A pursuit entering into another District will continue to be commanded by the supervisor authorizing the pursuit.

**41.2.18** The supervisor will solicit and consider the information available to them and advise the Deputy who initiated the pursuit to continue or disengage.

**41.2.19** The supervisor will monitor the pursuit and direct additional assistance as required.

**41.2.20** Factors in the decision to assign additional assistance include, but are not limited to:

- The nature and circumstances of the offense
- The number of suspects
- The number of Deputies in the assigned and backup/secondary vehicle.

**41.2.21** It is the responsibility of the supervisor to coordinate pursuits entering neighboring jurisdictions.

**41.2.22** If the vehicle being pursued leaves Volusia County, the supervisor in charge shall request that the County being entered assume command of the pursuit. Units of this Department will act as support units.

**41.2.23** If the County being entered does not assume command, the supervisor will request that agency provide support units.

#### **DECISION TO INITIATE OR DISCONTINUE**

**41.2.24** Before initiating a pursuit, Deputies shall evaluate the circumstances and make the decision to pursue in accordance with this Directive and the Vehicle Apprehension Decision-Making Matrix (see Attachment A).

**41.2.25** Factors to be considered include, but are not limited to:

- Pedestrian and/or vehicular traffic
- Weather conditions
- Visibility
- Road conditions
- The type of unit being operated by the Deputy at the time of pursuit
- The nature and circumstances of the offense
- When the offense occurred. A pursuit for an in-progress crime may be more readily justified than one for a crime that occurred earlier in the shift.
- The identification of the vehicle and/or occupant, as well as the appropriateness and probability of apprehension at a later date.
- Type of neighborhood such as residential or school zone
- Manner in which the fleeing vehicle is being operated

**41.2.26** The initiating Deputy and the authorizing supervisor shall continuously evaluate the circumstances, factors and conditions during the pursuit. Whenever one of these factors changes the decision to continue the pursuit shall be reevaluated.

**41.2.27** Under extreme circumstances in which the fleeing vehicle creates a greater danger to the public than does a pursuing sheriff/police vehicle with clearly visible lights warning the public of impending danger, a pursuit may be authorized. If authorized under these circumstances, the approving supervisor will clearly and expeditiously articulate the need for the pursuit in written form for the Sheriff.

#### **TERMINATING THE PURSUIT**

**41.2.28** When there is a clear and present danger to the Deputy or other users of the highway, the pursuit shall not be initiated. If the pursuit is in progress it shall be discontinued.

**41.2.29** The initiating Deputy or the authorizing Supervisor is justified in terminating the pursuit if, based on his judgment, the danger to Deputies and the public outweighs the need to stop the fleeing vehicle.

**41.2.30** When a Deputy discontinues a pursuit he shall immediately notify Central Communications.

**41.2.31** Once a pursuit has been terminated, Deputies shall deactivate all emergency equipment and resume driving in compliance with all applicable traffic laws. Deputies may continue following the suspect vehicle route as long as they do so within the speed limit and obey all stop signs, traffic lights and other traffic control devices.

## **CONDUCTING THE PURSUIT**

**41.2.32** Only two Department vehicles are authorized to actively pursue; the primary vehicle and the backup/secondary vehicle. Under exigent circumstances involving a violent felony, the pursuit supervisor may authorize additional backup units or elevate existing support unit personnel to engage in the pursuit in order to safely resolve the incident. Under such circumstances, the supervisor will be required to articulate justification for the additional units within the pursuit report.

### **PRIMARY UNIT**

**41.2.33** The primary pursuit vehicle will handle all communications relating to direction of travel, suspects, descriptions and all matters relating to the actual pursuit, until the arrival of a backup/secondary unit or an aviation unit. This shall not restrict the supervisor from giving instructions or other information directly to either the primary vehicle, the backup/secondary vehicle, or the Communications Center.

**41.2.34** The primary unit shall not be passed during the pursuit unless authorized by the primary pursuit Deputy and/or the supervisor in charge.

**41.2.35** Unmarked units and motorcycle units may pursue motor vehicles as a primary unit only until the arrival of a marked unit.

**41.2.36** The motorcycle or unmarked vehicle will continue as the secondary unit until an additional marked unit arrives. Upon the arrival of the marked unit, the operator of the unmarked vehicle or motorcycle shall terminate their active involvement in the pursuit.

### **AVIATION UNIT**

**41.2.37** When an aviation unit arrives, it shall become the primary pursuit unit. The primary patrol unit and the secondary unit shall discontinue communications, decrease speeds and follow at a safe distance.

**41.2.38** The aviation unit will advise the supervisor in charge of the direction of travel and other pertinent information, i.e., potential hazards or possible apprehension sites.

### **SECONDARY UNITS**

**41.2.39** The secondary unit is authorized to pursue at a safe distance for back-up and communication purposes.

**41.2.40** Upon the secondary unit entering the pursuit, the secondary unit shall become responsible for handling all communications relating to direction of travel, suspects descriptions and all matters relating to the actual pursuit. This shall not restrict the supervisor from giving instructions or other information directly to either the primary vehicle, the backup/secondary vehicle, or the Communications Center.

### **SUPPORT UNIT PERSONNEL**

**41.2.41** Deputies not directly involved in the pursuit that are responding and being coordinated as additional support will drive their vehicles in a safe and prudent manner.

**41.2.42** Support units may be assigned active roles including but not limited to, paralleling the pursuit, being assigned to potential termination locations, and transferring equipment or personnel.

**41.2.43** Emergency operation is authorized to intercept, not overtake, the fleeing vehicle for the purpose of deploying Stop-Sticks.

### **PROHIBITED DRIVING**

**41.2.44** Primary and secondary units shall not drive parallel to each other during the pursuit, except during an authorized pass.

**41.2.45** Deputies shall not drive on the wrong side of any divided highway, interstate, or other controlled access highway, including on/off ramps.

**41.2.46** While pursuing, Deputies shall not conduct rolling roadblocks, ram the suspect's vehicle or discharge firearms at a fleeing vehicle except in extreme cases where deadly force is justified and the Deputy has received specific training for this exception. This does not prohibit the blocking of a vehicle when said vehicle is attempting to turn around or is taking some other action at very slow speeds attempting to avoid capture. Under these circumstances, eminent danger to the public and/or the deputy(ies) outweighs the minimal risks involved in blocking and does not constitute a roadblock or ramming as defined in this policy.

**41.2.47** Roadblocks shall be prohibited unless authorized by a patrol supervisor in accordance with Directive 61.11.

**41.2.48** Fleeing vehicles shall not be forcibly stopped, with exception of use of the Stop Stick System as deployed by properly trained Deputies in accordance with Directive 61.11.

#### **OTHER AGENCY ASSISTANCE**

**41.2.49** Supervisors may authorize assistance to other agencies conducting vehicle pursuits; however, the pursuit of vehicles fleeing from other agencies shall not be authorized unless it meets the criteria established in this directive.

**41.2.50** When a pursuit involves other agencies, the following procedures apply:

- The supervisor shall ensure the notification of the agency into which the pursuit is entering.
- Unless otherwise advised, units involved will remain on their assigned frequencies.
- The supervisor will provide pertinent information to the agency into whose jurisdiction the pursuit is entering or has entered.
- The Communications Center shall relay all decisions relating to pursuit information, (radio frequencies, location, direction of travel, reason for the pursuit, speed, description and other pertinent information) to affected agencies.

**41.2.51** The authority to discontinue an inter-jurisdictional pursuit rests with the supervisor authorizing the pursuit;

**41.2.52** Unmarked vehicles shall not be used in pursuits into other jurisdictions;

**41.2.53** The agency initiating the pursuit is responsible for the arrest, booking, disposition and coordination of all reports, citations and criminal charges.

**41.2.54** No more than three (3) vehicles (2 VCISO, 1 other agency) shall be involved in the actual pursuit at any given time unless specifically authorized by the pursuit supervisor.

**41.2.55** Motorcycle units shall immediately withdraw from the active pursuit, upon the arrival of a marked patrol unit.

#### **TRAINING**

**41.2.56** No Deputy shall participate in a pursuit until successfully completing a VCISO approved Emergency Vehicle Operations Course (EVOC).

#### **REPORT AND REVIEW PROCESS**

**41.2.57** Immediately following a pursuit (including assistance to other agencies), all Deputies involved in the pursuit shall file a written report.

**41.2.58** The primary deputy shall initiate the original report with all others filing supplements.

**41.2.59** Each report will contain an account of the Deputies' involvement in the pursuit. A copy of the report shall be forwarded to the Internal Affairs Unit, which shall present the incident to the Sheriff's Staff for review.

**41.2.60** An administrative review of all pursuits, including assisting other agencies, shall be conducted by the Sheriff's Staff during the Sheriff's weekly staff meeting.

**41.2.61** The review shall be documented and will indicate whether policy, training issues, equipment or disciplinary issues should be addressed.

**41.2.62** Copies of all pursuit reports and the results of the administrative review shall be forwarded to the Professional Standards Section.

**41.2.63** The Professional Standards Section shall conduct a documented analysis of all pursuits annually.

#### **ATTACHMENTS**

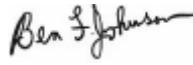
**ATTACHMENT A: Vehicle Apprehension Decision-Making Matrix**

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**Revised by: 6760**

**Revised on: 06-17-2009**

**Approved:**



**Ben F. Johnson  
Sheriff, Volusia County**



# DELAND POLICE DEPARTMENT

Chief William E. Ridgway

## Departmental Standards Directive

### TITLE: VEHICLE PURSUITS

CODIFIED: 5.17

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### PURPOSE

The purpose of this Standard Operating Procedure is to provide Department members with guidelines for making decisions pertaining to vehicular pursuit.

### POLICY

It shall be the policy of The DeLand Police Department to regulate the manner in which vehicular pursuits are undertaken and performed.

### DEFINITIONS

**Vehicular Pursuit:** An active attempt by an officer in an authorized emergency vehicle to apprehend a forcible felon who is actively attempting to elude the police.

**Apprehension Phase:** The period of time between observing a traffic violation and when the violator lawfully and immediately comes to a stop.

**Authorized Emergency Vehicle:** A vehicle of this agency equipped with operable emergency equipment as designated by state law.

**Primary Unit:** The police unit which initiates a pursuit or any unit that assumes control of the pursuit.

**Secondary Unit:** Any police vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

**Tactical Parking:** The positioning of one or more agency vehicles, marked or unmarked, in a position to eliminate the fleeing of a suspect vehicle from a parked or stopped position.

## PROCEDURES

### INITIATION OF PURSUIT

**5.17.1** The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.

**5.17.2** The "Apprehension Phase" of an attempted traffic stop becomes a "Pursuit" whenever the violator knows or should know that an Officer is signaling them to stop and continues driving ignoring traffic laws or speeds up or attempts to elude the Officer and the Officer continues to follow. If a pursuit is not warranted based on the criteria set forth in this section the Officer shall deactivate all emergency equipment and immediately change direction from the suspect vehicle to ensure a pursuit is not initiated.

**5.17.3** Pursuit may be justified if the officer reasonably believes that the suspect, having committed a forcible felony, and if allowed to flee, would present a danger to human life or cause serious injury.

**5.17.4** An officer shall not engage in a pursuit if one or more of the following circumstances exists:

- road, weather and environmental conditions are such as to prevent the safe operation of the vehicle;
- if there exists population density or vehicular and pedestrian traffic;
- the presence of persons in the police vehicle other than sworn members of DeLand Police Department.
- An aggravated assault on a law enforcement officer by a fleeing suspect, in which a vehicle is used as the weapon, and there is no injury or property damage shall not in itself be considered a forcible felony for the purpose/criteria for a pursuit.

### PURSUIT OPERATIONS

**5.17.5** Upon engaging in a pursuit, the pursuing vehicle operator shall activate emergency equipment.

**5.17.6** Upon engaging in pursuit, the officer shall notify communications of the pursuit, including the location, direction and speed of the pursuit.

**5.17.7** Communications will clear the radio channel of non-emergency traffic, notify the supervisor, and relay necessary information to other officers and jurisdictions.

**5.17.8** A pursuit shall consist of no more than two police vehicles, a primary and a secondary unit. All other personnel shall stay clear of the pursuit unless directed by a supervisor.

**5.17.9** The primary pursuit unit shall become secondary when the fleeing vehicle comes under air surveillance or when another unit has been assigned primary responsibility.

**5.17.10** Pulling in front of or overtaking the primary pursuit vehicle is prohibited, unless the primary pursuit vehicle becomes disabled or otherwise calls out of the pursuit.

**5.17.11** The secondary unit shall act as a backup to the primary unit during the pursuit and follow at a safe distance. At the conclusion of the pursuit the secondary unit shall act as a cover officer.

### SUPERVISORY RESPONSIBILITIES



**5.17.12** When made aware of a vehicular pursuit, the appropriate supervisor shall ascertain the reason for the pursuit, monitor incoming information, coordinate and direct activities as needed to ensure that proper procedures are used, and shall have the discretion to terminate the pursuit and utilize such tactics as appropriate under the circumstances.

**5.17.13** A supervisor shall respond to the location where a vehicle has been stopped following a pursuit.

### **PURSUIT TACTICS**

**5.17.14** When feasible, available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit must be equipped with emergency equipment to engage in the pursuit and shall disengage when a marked unit becomes available.

**5.17.15** A police vehicle involved in a pursuit shall not knowingly approach a fleeing suspect vehicle “Head-on” or from the opposite direction.

**5.17.16** Tactical parking by one or more agency vehicles, marked or unmarked, in a position to eliminate the fleeing of a suspect vehicle from a parked or stopped position may be used. Note: positioning of an agency vehicle in front of a fleeing vehicle is considered a roadblock and is not authorized.

### **TERMINATION OF PURSUIT**

**5.17.17** The primary pursuing unit shall continually re-evaluate and assess the pursuit situation including all of the initiating factors and terminate the pursuit whenever he or she reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.

**5.17.18** Termination of the pursuit by forcible stopping i.e. bumping, blocking, pit maneuver, etc is prohibited.

**5.17.19** The pursuit may be terminated by the primary pursuit unit at any time.

**5.17.20** A supervisor may order the termination of a pursuit at any time.

**5.17.21** A pursuit may be terminated if the suspect’s identity has been determined, immediate apprehension is not necessary to protect the public or officers, and apprehension at a later time is feasible.

**5.17.22** When an active pursuit is terminated, the member shall deactivate all emergency equipment and immediately change direction from the pursued vehicle. Trailing or driving parallel to the pursuit is prohibited.

### **INTER-JURISDICTIONAL PURSUITS**

**5.17.23** The pursuing officer shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction.

**5.17.24** When a pursuit enters this jurisdiction, the action of officers shall be governed by the policy of the officers’ own agency, specific inter-local agreements and state law as applicable.

### **AFTER ACTION REPORTING**

**5.17.25** Whenever an officer engages in a pursuit, the officer shall file a written report detailing the circumstances. This report shall be critiqued by the appropriate supervisor or supervisors to determine if policy has been complied with and to detect and correct any training deficiencies.

**5.17.26** A copy of the pursuit report shall be attached to the offense report and forwarded through the chain of command for appropriate review.

**5.17.27** The department shall periodically review police pursuit activity and identify any additions, deletions or modifications warranted in departmental pursuit procedures.

## ATTACHMENTS

### [5.17 – A Vehicle Pursuit Form](#)

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DRAFTED: JWB—12/2002

REVISED: PCG—01/2004

REVISED: GRB---05/2005

REVISED: GRB---07/2006

REVISED: JFA—01/2008

REVISED: GRB---03/2013

APPROVED: \_\_\_\_\_



**William E. Ridgway**  
Chief of Police